

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA M. FRECKLTON,

Plaintiff,

v.

MERCY COLLEGE NY, *et al.*

Defendants.

No. 22-CV-1985 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

On June 10, 2024, Defendants filed a Motion for Summary Judgement on Plaintiff's claims. (*See* Dkt. Nos. 44, 45.) The Southern District of New York's Local Rule 56.1 requires that parties moving for summary judgment submit "a separate, short, and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried." *See* Local Civ. R. 56.1. The non-moving party is then required to submit "a correspondingly numbered paragraph admitting or denying, and otherwise responding to, each numbered paragraph in the statement of the moving party, and if necessary, additional paragraphs containing a separate, short and concise statement of additional material facts as to which it is contended that there exists a genuine issue to be tried." Local Civ. R. 56.1(b). Failure to comply with this requirement can result in denial of the motion. Local Civ. R. 56.1(a); *see also Trustees of Sheet Metal Workers Int'l Ass'n Loc. No. 38 Vacation Fund v. Hopwood*, No. 09-CV-5088, 2011 WL 13382922, at *1 (S.D.N.Y. June 1, 2011) (denying pending motion because of failure to comply with Local Rule 56.1).

In a case where the non-movant is pro se, the Local Rules also require that the moving party "file as a separate document, together with the papers in support of the motion, the []

‘Notice To Pro Se Litigant Who Opposes a Motion For Summary Judgment,’” contained in the Local Rules “with the full texts of Fed. R. Civ. P. 56 and Local Civil Rule 56.1 attached.” Local Civ. R. 56.2. Failure to comply with this rule may also result in the movant’s motion being denied. *See Etere v. Nassau Cnty.*, No. 17- CV-3113, 2023 WL 5881186, at *3 (E.D.N.Y. Sept. 11, 2023) (denying motion for failure to comply with Local Rule 56.2); *Vidal v. Venettozzi*, No. 18-CV-6184, 2023 WL 4421876, at *3 (S.D.N.Y. July 10, 2023) (same).

For the reasons set forth above, it is hereby ORDERED that Defendants submit a statement in compliance with Local Rule 56.1 and a notice in compliance with Local Rule 56.2 by January 3, 2025. It is further ORDERED that Plaintiff respond with a 56.1 counterstatement by no later than January 10, 2025.

The Clerk of Court is respectfully directed to mail this order to Plaintiff.

SO ORDERED.

Dated: December 19, 2024
White Plains, New York



KENNETH M. KARAS
United States District Judge